

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

**R.M.S. TITANIC, INC.,
successor-in-interest to
Titanic Ventures, limited partnership,
Plaintiff,**

v.

Civil Action No. 2:93cv902

**THE WRECKED AND ABANDONED VESSEL,
ITS ENGINES, TACKLE, APPAREL,
APPURTENANCES, CARGO, ETC., LOCATED
WITHIN ONE (1) NAUTICAL MILE OF A POINT
LOCATED AT 41 43' 32" NORTH LATITUDE
AND 49 56' 49" WEST LONGITUDE,
BELIEVED TO BE THE R.M.S. TITANIC
in rem,**

Defendant.

**NOAA'S REQUEST FOR LEAVE OF COURT TO RESPOND TO
RMST'S RESPONSE TO NOAA'S REPORT AND RECOMMENDATION**

The United States, as *amicus*, and on behalf of its National Oceanic and Atmospheric Administration ("NOAA"), requests leave of Court to respond to some of the assertions and allegations made by RMST in its recent filing, should the Court believe it necessary. *See* ECF No. 605.

By way of background, on March 27, 2020, RMST filed its Research Design and motion to permit certain activities at *Titanic* during its planned 2020 Expedition. ECF Nos. 600 and 601. On April 27, 2020, NOAA filed its Report and Recommendation, providing its analysis of the Research Design and recommendations to the Court. ECF No. 602. On May 6, 2020, RMST filed a "response" to NOAA's Report and Recommendation. ECF No. 605. That same day, the clerk advised RMST's counsel that leave of court was required for RMST's "response." RMST has not yet sought such leave.

Should the Court be inclined to grant RMST leave, and accept and consider RMST's response (ECF No. 605), NOAA respectfully requests that it be given the opportunity to file a reply to address RMST's assertions. NOAA believes that additional context would be helpful to the Court in order to evaluate RMST's claims.

Respectfully submitted,

G. Zachary Terwilliger
United States Attorney

By: /s/ Kent P. Porter
Kent P. Porter, VSB No. 22853
Assistant United States Attorney
Attorney for the United States
United States Attorney's Office
8000 World Trade Center
101 West Main Street
Norfolk, VA 23510
757-441-6331
Fax: 757-441-6689
kent.porter@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of May, 2020, I will electronically file the foregoing document with the Clerk of Court using the CM/ECF system, which will then send a notification of electronic filing (NEF) to the following:

Brian Andrew Wainger Kaleo Legal 4456 Corporation Lane Suite 135 Virginia Beach, VA 23462 Email: bwainger@kaleolegal.com	David G. Barger, VSB #21652 GREENBERG TRAURIG, LLP 1750 Tysons Boulevard, Suite 1200 McLean, Virginia 22102 Tel: (703) 749-1300 Fax: (703) 749-1301 E-Mail: BargerD@gtlaw.com
David G. Concannon Concannon & Charles 100 Sun Valley Road, No. 329 Sun Valley, Idaho 83353 Email: david@davidconcannon.com	

/s/ Kent P. Porter

Kent P. Porter, VSB No. 22853
Assistant United States Attorney
Attorney for the United States
United States Attorney's Office
8000 World Trade Center
101 West Main Street
Norfolk, VA 23510
757-441-6331
Fax: 757-441-6689
kent.porter@usdoj.gov